

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

NATHANIEL MITCHELL :
: CIVIL ACTION
v. :
: NO. 14-5026
COMMUNITY EDUCATION :
CENTERS, INC. :
:

O R D E R

AND NOW, this 11th day of August, 2015, upon consideration of Defendant Community Education Center, Inc.'s Motion to Dismiss Plaintiff's Complaint and Motion to Strike Paragraphs of Complaint (ECF No. 5), and all documents submitted in support thereof, and in opposition thereto, it is ORDERED that the Motion to Dismiss is GRANTED in part and DENIED in part, and the Motion to Strike is GRANTED in part, and DENIED in part, as follows:

- A. Defendant's Motion to Dismiss is GRANTED as to Count I (wrongful termination), Count II (breach of contract), Count III (unjust enrichment), Count IV (negligence), Count V (gross negligence), Count VI (common law harassment), and Count VII (emotional distress). These Counts are DISMISSED.
- B. Defendant's Motion to Dismiss is DENIED as to Count VIII (discrimination under Title VII), Count IX (discrimination under the PHRA), Count X (hostile work environment under Title VII), Count XI (hostile work environment under the PHRA), Count XII (retaliation under Title VII), and Count XIII (retaliation under the PHRA).
- C. Defendant's Motion to Strike is GRANTED as to Paragraphs 57, 59, 61-66, 68, 70-71, and 74 of Plaintiff's Complaint. These Paragraphs are stricken.

D. Defendant's Motion to Strike is **DENIED** as to Paragraphs 56, 67, 69, and 72-73 of Plaintiff's Complaint.

IT IS SO ORDERED.

BY THE COURT:



R. BARCLAY SURRICK, J.